

REMARKS

In the Office Action, the Examiner rejected claims 1-7, 10-12, and 22 pursuant to 35 U.S.C. § 103(a) as unpatentable over Jingu et al. (U.S. Patent No. 5,129,397). Claims 8 and 9 were objected to as being allowable if amended to independent form. Claims 13-21 and 23-24 were allowed. Applicants respectfully request reconsideration of the claims 1-7, 10-12, and 22, including independent claims 1 and 22.

Independent claims 1 and 22 claim a control panel connect to the stand at a position more centered than off center on the control panel. Jingu et al. do not disclose this limitation. Jingu et al. connect the control panel 48 spaced away from center. The support 24 is at a corner on both the control panel and the stand 20 (Col. 3, line 68 - Col. 4, line 11). The position of connection on the corner rather than centered allows for rotation of more of the control panel away from the stand (Col. 4, lines 9-11 and Figs. 4 and 7). Jingu et al. desire to maximize the degree of freedom of operation (Col. 1, lines 55-57 and Col. 5, lines 47-55). To increase the degree of freedom, the control panel is connected at the corner of the panel to the stand. Jingu et al. do not suggest the control panel connected at the stand more centered than off-center on the control panel, such as connected at the center of a back edge of the control panel. Jingu et al. teach away from the arrangement of claim 1.

Dependent claims 2-7 and 10-12 depend from independent claim 1, so are allowable for the same reasons. For brevity, the differences of dependent claims from Jingu et al. are not further described herein, but may be later argued.

New dependent claims 25-27 are supported by the specification, and so do not add new matter. See Figures 5A, 6 and 9A for example. The limitations of the new dependent claims are not suggested by Jingu et al.

New claim 28 is claim 1 with the additional limitations that the control panel is connected to and mounted on the stand such that the control panel, as connected to and

mounted on the stand, is oriented at more than 10 degrees and less than 80 degrees to the user interface of the accessory device and to the transducer connector, the orientation relative to the operator position. In the parent application (U.S. Patent No. 6,683,784), Applicants had argued “mounted to” was different than art that taught free rotation through a range of relative angles. The Examiner maintain his rejection. New claim 28 includes both “connected to” and “mounted on” to indicate the meaning of the term “mounted on” as used in the specification. “Mounted” means a fixed connection, such as in a jewelry setting or mounting. By using both “connected” and “mounted” in the claim as well as the specification, Applicants indicate that “mounted” has meaning in addition to “connected.” The further meaning is a fixed or set connection as opposed to a rotatable or changeable connection.

Jingu et al. allow rotation that may be locked or unlocked (col. 2, lines 20-24; and col. 4, lines 2-17). The stand of Jingu et al. is designed for versatility, resulting in a less ergonomic design than the claimed system with connected and mounted orientation of the control panel relative to other portions of the stand. By mounting the control panel on the stand, less versatility but better ergonomics may be provided. Jingu et al. do not suggest a control panel that is both connected to and mounted on the stand.

The mounted connection at the claimed orientation provides advantageous ergonomics. Allowing change of orientation may reduce the ergonomic benefits. The previously enclosed awards for a device that has a mounted connection as claimed indicate the commercial success of the claimed stand. See “Best of Category” award at EQ; Innovation, Quarterly of the Industrial Designers Society of America, Fall 2002; Industrial Design Excellence Awards, Idea Gold certificate; and “Designing Outside the Box,” Excellence in Design EID Winners (page 6). These various awards and articles indicate that the design of the relative position of the various components of the claimed stand are not obvious. This secondary indicia indicates that at least claim 28 is allowable.

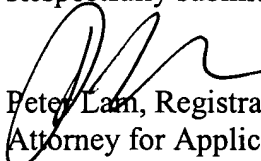
CONCLUSION:

Applicants respectfully submit that all of the pending claims are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (650) 943-7350 or Craig Summerfield at (312) 321-4726.

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